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TO:

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

FROM:

Rose M. Hughes, Executive Director

DATE:

January 17, 2007

SUBJECT:

SENATE BILL 32 - OMBUDSMAN ACCESS TO LONG TERM CARE

FACILITIES

For the record, I am Rose M. Hughes, Executive Director of the Montana Health Care Association (MHCA). MHCA represents skilled nursing facilities and assisted living facilities throughout the state of Montana.

SB 32, as introduced, provides unlimited access to long term care facilities by the State Long Term Care Ombudsman and local ombudsmen. Current law provides unlimited access to only the State Long Term Care Ombudsman and limits access by local ombudsmen to "normal visiting hours" specified as 9 a.m. to 6 p.m.

It is appropriate to remove the specified hours of "9 a.m. to 6 p.m." from the statute. Facilities set visiting hours that meet the needs of their residents, families and communities, and they are typically more expansive than the hours in the current law.

While we do not see an overwhelming need for local ombudsmen to have access to facilities beyond normal visiting hours - because their duties over lap with others who do have unlimited access, such as the State ombudsman, state surveyors, adult protective services workers and law enforcement officials - we do not object to the local ombudsmen having access beyond normal visiting hours - if there is oversight by the State Long Term Care Ombudsman.

Our concern is to maintain a balance between the need of all appropriate officials to have access to our facilities and residents at all appropriate and necessary times and the need to maintain normalcy, privacy and security in our facilities - which are, after all, our residents' homes.

It is our understanding that Sen. Schmidt will offer an amendment to provide that local ombudsmen may have access after normal visiting hours with the approval, direction and oversight of the state long-term care ombudsman.

We would be pleased to support SB 32 with such an amendment.

Thank you for the opportunity to provide input on this legislation. If you have questions or need further information, please let me know.